

**Town of Underhill
Development Review Board Minutes
November 19, 2018**

Board Members Present:

Charles Van Winkle, Chair
Stacey Turkos, Vice Chair
Matt Chapek
Mark Green
Daniel Lee
Penny Miller

Staff/Municipal Representatives Present:

Andrew Strniste, Planning Director

Others Present:

David Burke (13 Corporate Dr., Essex Jct.)
Kenneth Hall (4 Blakey Road)
Peter Duncan (62 Poker Hill Road)
Valerie Duncan (62 Poker Hill Road)
Deborah Towne (75 Poker Hill Road)

6:30 PM – 11/19/2018 DRB Public Meeting

- DRB Members convened at Town Hall around 6:25 PM.
- [6:30] No public was in attendance, and therefore, no public comment was offered.

**6:35 PM – Hall Combined Preliminary & Final Subdivision Review
4 Blakey Hill Road (BL004), Underhill, Vermont**

Docket #: DRB-17-18

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- [6:35] Chair Van Winkle began the meeting by explaining the hearing procedures for the combined preliminary & final subdivision review hearing. The applicant, Kenneth Hall, and his engineering consultant, David Burke, were before the Board to discuss the application, which pertains to a 2-lot subdivision of property located at 4 Blakey Road in Underhill, Vermont, which is owned by Kenneth Hall. A few members of the general public were in attendance. No ex parte communications between the Board and the applicant were identified, nor were any conflicts of interest identified. In addition to Exhibits A thru R being submitted into the record, Exhibits S (the Sketch Plan Review letter of acceptance), T (an ability to serve letter from Mount Mansfield Union School District), U (an ability to serve letter from the Underhill-Jericho Fire Department), and V (draft deeds).
 - [6:42] Board Member Turkos asked if the Board needed to resolve the issue of the application being heard as a combined a preliminary and final subdivision review application since the Board voted that the applicant proceed with separate preliminary subdivision review and final subdivision review hearings at the time of the Sketch Plan Review meeting. Chair Van Winkle also advised that there was a potential frontage issue along Blakey Road. Engineer David Burke advised that there was a second leg overlooked in the calculation, and that the lot actually met the frontage requirement along both Blakey Road and Poker Hill Road. He then asked if he could provide an overview of the project prior to the Board voting on the combined application issue. The Board agreed.
 - [6:43] To support his recommendation that the Board hear the application as a combined preliminary/final submission, Mr. Burke informed the Board that the project was an application for only a 2-lot subdivision. Both lots are to contain single-family dwellings with their own wastewater systems. He then informed the Board the entire project area is within the 3-acre rural residential district, and that both lots exceed the minimum lot size and frontage requirement. Mr. Burke then advised that Mr. Hall was just going along with the typical subdivision hearing process when he obtained sketch plan acceptance last year. He then advised that the proposed project was a minor subdivision – only one additional

lot; a wastewater permit has already been obtained from the State; preliminary access approval was obtained from the Selectboard; the Mount Mansfield Union School District and Underhill-Jericho Fire Department provided ability to serve letters; and that the deeds are already in place. He then suggested that the Board could make an initial decision, and then if more information is needed, then the hearing could be continued to a date certain if that route would make the Board more comfortable.

- [6:47] Board Member Turkos made a motion to combine preliminary and final subdivision review. The motion was seconded by Board Member Chapek and unanimously approved. Mr. Burke then continued to provide background about the project. He advised that Mr. Hall was hoping to use the access way to the accessory dwelling as the three-point turn for the Underhill-Jericho Fire Department, but was amenable to including a more suitable turnaround area. Mr. Burke then opined that Staff's comments relating to the rear portion of the parent lot should not be addressed at this time. He then advised that the applicant was proposing a more restrictive building envelopment because that area was the most extensive possible building coverage given the site's constraints. Mr. Burke confirmed that Lot 1 met the building and lot coverage requirements. He advised that he would update the site plan to include a 100 ft. setback from Roaring Brook (rather than 50 ft.), as well as depict the existing floodplain. Chair Van Winkle confirmed that onsite wastewater disposal and water will be satisfactory. Mr. Burke informed the Board an isolation shield is in close proximity to the Duncan's well; however, the water would want to travel downslope towards Roaring Brook than towards the well.
- [6:54] Board Member Miller advised that on-site, Board Member Lee noted that a stone wall was not identified on the site wall submitted as part of the application. She then inquired about whether the utilities would be placed underground. Mr. Burke responded that typically, utilities are placed underground; however, he may not necessarily know until the permits are obtained. Board Member Miller inquired about a level area being required when a driveway intersecting with a development road slopes downward or upward. Chair Van Winkle advised that the AOT B-71 Standards provide for that requirement. Mr. Burke advised that the driveway was designed as presented to help limit the amount of fill required. Board Member Miller inquired about paved aprons, and then informed the Board that the issue Ms. Kim Spaulding had regarding the survey was resolved during the site visit. Mr. Burke advised that the tie line was being confused with being a property line. Board Member Miller mentioned that during the sketch plan review meeting, the wells running dry was a concern. She inquired with the water district, who advised that a drawdown test could be administered, but then questioned what to do with that information. Chair Van Winkle advised that the Board could ask for the drawdown test should water adequacy be an issue. Mr. Burke advised that a wastewater permit was issued, which should presume that there is adequate water. He also advised that the more water a facility draws, the greater the isolation shield becomes. Lastly, Mr. Burke informed the Board that the once the 2007 Wastewater Rules were established by the State, Towns do not have the authority to approve or deny wastewater systems.
- [7:06] In response to Board Member Chapek's questions, Staff Member Strniste advised that the Board should be consistent with the regulations enumerated in the Road Ordinance. Mr. Burke advised that he will update the plans to indicate that the driveway will be 12 ft. wide, as depicted on the driveway profile. Staff Member Strniste confirmed that aprons are to be paved per Section 6.4.B. of the Underhill Road Ordinance. Mr. Burke advised he would encourage Mr. Hall to have at least a 20-foot paved apron.
- [7:10] Staff Member Strniste advised that he did not have a lot of comments to add other than that he included references about the feasibility for subsequent subdivision because the topic is referenced in the subdivision regulations.

- [7:11] Ms. Deborah Towne, 75 Poker Hill Road, informed the Board of her concern about the placement of the new driveway in relation to her shared driveway. She advised that she was worried about high speeds along Poker Hill Road, and the people pulling out of the new driveway. Mr. Burke advised that the new driveway will be located approximately 100 feet away from where her driveway is located and presented a site plan indicating the driveways (Exhibit W) into the record. Ms. Towne informed the Board that the distance looked further on paper. A discussion then ensued about the activities occurring at horse barn property, as well as the associated traffic.
- [7:15] Board Member Miller advised that the horse barn had been used to store equipment at one point, but then converted back to a horse barn. A negative 3% maximum apron for downward sloped driveway entries was confirmed.
- [7:18] Mr. Burke advised that the issues he would address as a result of the evening's hearing: providing for a paved apron that slopes no more than 3%, and at least 20 ft. in length; depict the stone wall on the site plan; depict the 100 ft. setback requirement from Roaring Brook; depict the flood hazard area on the site plan; and revise the site plan to depict a driveway width of 12 ft. Chair Van Winkle advised that the Board appreciates the reduced building envelope size; however, warns of potential administrative hurdles. Staff Member Strniste advised of a potential review building envelope layout.
- [7:22] Chair Van Winkle asked for final comments from the Board and audience; none were provided. He then asked if the Board had enough information to make a decision on the application. The Board advised that they had enough information. Chair Van Winkle asked if the Board wanted to deliberate in open or closed deliberative session. The Board advised that they wanted to vote in open session and craft the decision in closed deliberative session. Board Member Turkos made a motion to close the evidentiary portion of the hearing. Board Member Chapek seconded the motion, and the motion was approved unanimously. Board Member Turkos made a motion to approve the application and deliberate in closed deliberative session. The motion was seconded by Board Member Chapek. No further discussion was had. The motion was approved unanimously.

7:23 PM – Other Business

- [7:23] The Board will approve previous meeting minutes at the next meeting.
 - [7:24] Board Member Chapek made a motion to move into closed deliberative session. Board Member Turkos seconded the motion, which was approved unanimously.
 - [8:10] The Board adjourned.
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Submitted by:
Andrew Strniste, Planning Director & Zoning Administrator

These minutes of the 11/19/2018 meeting of the DRB were accepted
this _____ day of _____, 2018.

Charles Van Winkle, Development Review Board Chair